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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMANTHA MARIE TURNER, by and) Case No.: C10-03927 MEJ
through her guardian ad litem, DIANA LYNN)
TURNER,)

Plaintiff,)
vs.)

COUNTY OF ALAMEDA, a governmental)
entity; GREGORY J. AHERN; in his capacity)
as Sheriff for COUNTY OF ALAMEDA;)
MICHAEL GALLARDO, individually, and in)
his capacity as a deputy sheriff for COUNTY)
OF ALAMEDA; and, DOES 1-25, inclusive,)

Defendants.)

**STIPULATION AND [PROPOSED] ORDER
CONTINUING DEADLINE TO
COMPLETE PLAINTIFF'S DEPOSITION**

1 Defendants COUNTY OF ALAMEDA, SHERIFF GREGORY AHERN and DEPUTY
2 SHERIFF MICHAEL GALLARDO and plaintiff SAMANTHA MARIE TURNER, by and
3 through her guardian ad litem, DIANA LYNN TURNER, by and through their respective
4 attorneys of record, hereby stipulate as follows:

5 1. Pursuant to the Court's Initial Scheduling Order, dated December 3, 2010, the
6 following discovery and dispositive motion deadlines were set:

7 (A) Disclosure of Expert Witnesses and Expert Reports to be served by 8-5-11;

8 (B) Disclosure of Rebuttal Expert Witnesses to be served by 8-15-11;

9 (C) Expert and Non-Expert Discovery to be completed by 8-30-11;

10 (D) Motions to Compel Discovery shall be filed by 9-9-11, which is ten (10)
11 days after the discovery cut-off date of 8-30-11;

12 (E) All Dispositive Motions shall be filed, served, and noticed by 9-29-11;

13 (F) The Court shall hear dispositive motions on 11-3-11 at Courtroom B,
14 15th Floor, Federal Building, 450 Golden Gate Avenue, S.F., CA 94102;

15 2. Defendants propounded Interrogatories and Requests for Production of
16 Documents on plaintiff on January 14, 2011. On May 4, 2011, defendants propounded Requests
17 for Admissions to plaintiff. Plaintiff's responses were due June 8, 2011.

18 3. Plaintiff provided responses to Interrogatories, the Requests for Production of
19 Documents and the Request for Admissions via e-mail on July 1, 2011.

20 4. Because defendants did not receive plaintiff's discovery responses until July 1,
21 2011, they were unable to schedule plaintiff's deposition prior to that time. Plaintiff's deposition
22 was scheduled by mutual agreement of counsel on July 19, 2011 to take place on August 18,
23 2011, within the Court ordered fact discovery deadline.

24 5. On or about August 15, 2011 plaintiff's counsel requested plaintiff's deposition
25 be continued so that John Burris, co-counsel for plaintiff, could defend the deposition.

26 6. Defense counsel agreed to continue the deposition from August 18, 2011 to
27 August 31, 2011 to accommodate counsel's schedule subject to this Court issuing an Order
28 permitting defendants to conduct plaintiff's deposition on August 31, 2011, one day after the

1 current discovery date deadline, as well as plaintiff's agreement that plaintiff will not oppose and
 2 will stipulate to any motion or request by defendant to conduct discovery after August 31, 2011
 3 that becomes necessary based upon information uncovered as a result of plaintiff's deposition
 4 testimony and will not oppose on timeliness grounds any motion to compel discovery relating to
 5 plaintiff's deposition.

6 7. For all the good cause reasons stated above, the parties respectfully request this
 7 Court extend the deadline for completion of plaintiff's deposition until August 31, 2011, and
 8 Order the deposition to take place on August 31, 2011.

9 8. Pretrial documents are due on January 19, 2012, and trial is scheduled for March
 10 5, 2012. The parties were referred for a settlement conference with Magistrate Zimmerman,
 11 which has been set for November 3, 2011. Therefore, the parties' request for extension of
 12 deadlines should not interfere with the presently scheduled pretrial and trial dates set by the
 13 Court.

14 9. The parties have submitted one prior stipulation to alter deadlines set by the
 15 Court. Pursuant to that stipulation and Order signed July 29, 2011, the deadline for expert
 16 disclosures was continued to November 30, 2011, the deadline for completion of expert
 17 depositions was continued to December 21, 2011, and defendants' deadline to have plaintiff
 18 submit to a mental and/or medical examinations and, if necessary, to compel those examinations
 19 was continued until November 30, 2011.

20 10. The parties respectfully request that the Court approve this stipulation and
 21 incorporate its terms in an Order.

22 **IT IS SO STIPULATED.**

23 Respectfully submitted,

24 LAW OFFICES OF GAYLA B. LIBET

25 Dated: 8-17-11

26 By: /s/ Gayla B. Libet, Esq.
 27 Gayla B. Libet, Esq.
 28 Attorneys for Plaintiff

LAW OFFICES OF JOHN L. BURRIS

Dated: 8-17-11

By: /s/ John L. Burris, Esq.

John L. Burris, Esq.
Attorneys for Plaintiff

BERTRAND, FOX & ELLIOT

Dated: 8-17-11

By: /s/ Michael C. Wenzel, Esq.

Michael C. Wenzel, Esq.
Attorneys for Defendants

ORDER

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to same, the parties' stipulation is hereby APPROVED. The deadline for defendants to complete plaintiff's deposition is extended to August 31, 2011. Plaintiff's deposition shall take place on August 31, 2011.

IT IS SO ORDERED.

DATED: August 22, 2011



HONORABLE MARIA-ELENA JAMES
Chief United States Magistrate Judge